IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

Crl.M. No.24085-M of 2007

Date of Decision: 27.4.2007

Ravinder

....Petitioner.

Versus

State of Haryana and another

...Respondent.

Present:- Mr.A.K.Jain,Advocate
for the petitioner.

****

S.S.SARON, J.(ORAL)

Heard learned counsel for the petitioner.

As per allegations in the FIR, the petitioner along with Tinku and Ashok were armed with un-authorized arms and they fired at the complainant side with an intention to kill them. Injuries in the occurrence were received by the complainant Vikas, Vinay, Tarun and Pritosh. All the injured witnesses have specifically named the petitioner as the person who fired during the occurrence.

Learned counsel for the petitioner has submitted that co-accused of the petitioner namely Amit Verma has been admitted to interim bail in Crl. Misc. No.22693-M of 2007. A reference has also been made to the affidavits placed on record as Annexure P1 to P3 to contend that the petitioner was not present at the time of occurrence. Besides, reference has been made to the confessional statement of Sohan Lal who is stated to have confessed that he was having a local made pistol from which it is sought to

be contended that the petitioner was not the person who was armed or caused injury to anybody during the occurrence.

After giving my thoughtful consideration to the contentions of the learned counsel for the petitioner, I find no merit in the same. The fact that Amit Verma has been granted the concession of interim bail is not relevant keeping in view the role attributed to the petitioner. It was granted to facilitate the investigation. The name of Amit Verma does not figure in the FIR, therefore, as an interim measure, his arrest has been stayed. The petitioner is specifically named in the FIR and all the injured witnesses have stated that he was present and had fired at them.. Affidavits Annexure P1 to P3 placed on record are inconsequential and would not absolve the petitioner at this stage even if these are found to be correct ultimately. Therefore, they are of no consequence for the purpose of consideration for grant of pre-arrest bail. Even the confessional statement of Sohan Lal is with regard to the confession that he made and it would not mean that the petitioner was not armed or that he did not fire during the occurrence.

For the fore-going reasons, there is no merit in the petition and the same is accordingly dismissed.

(S.S.SARON)
JUDGE

April 27,2007
Reema